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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) KKP-0276	
	Application Number 10/806,267-Conf. #1916	Filed March 23, 2004	
	First Named Inventor Takashi Ohno		
	Art Unit 1796	Examiner C. E. Shosho	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>47,255</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p> _____ Signature</p> <p><u>Brian K. Dutton</u> Typed or printed name</p> <p><u>(202) 955-3750</u> Telephone number</p> <p><u>February 25, 2008</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Docket No.: KKP-0276
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takashi Ohno

Application No.: 10/806,267

Confirmation No.: 1916

Filed: March 23, 2004

Art Unit: 1714

For: WATER BASED INK FOR BALL-POINT PEN
AND BALL-POINT PEN USING THE SAME

Examiner: T.H. Yoon

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF FINAL REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in full and timely response to the Final Office Action dated October 24, 2007.

Claims 1-6, 8-9, 11, and 13 are currently pending in this application, with claim 1 being independent. *No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested.

Petition

A Petition Under 37 C.F.R. §1.181 to Request Withdrawal of the Final Office Action has been filed along on August 9, 2007 with this Request.

Timely consideration of this Petition is respectfully requested.

Rejection under 35 U.S.C. §112

Page 2 of the Office Action indicates a rejection of claims 1-6, 8-9, 11, and 13 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement.

This rejection is traversed at least for the following reasons.

While not conceding the propriety of this rejection and in order to advance the prosecution of the above-identified application, claim 1 has been amended within the Amendment After Final Action Under 37 C.F.R. 1.116 filed on January 24, 2008. The Advisory Action dated February 6, 2008 indicates entry of the Amendment of January 24, 2008.

Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103

Page 4 of the Office Action indicates a rejection of claims 1-6, 8-9, 11 and 13 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 6,916,862 to Ota et al. (Ota) in view of Japanese Application Publication No. 2000-043465 and U.S. Patent No. 6,114,412 to Kanabayashi et al. (Kanabayashi), and in further view of U.S. Patent No. 5,678,942 to Kobayashi et al. (Kobayashi) and U.S. Patent Application Publication No. 2005/0096410 to Hattori et al. (Hattori).

This rejection is traversed at least for the following reasons.

Hattori has a filing date of October 8, 2003. However, the above-identified application is entitled to benefit of the filing date for Japanese Patent Application No. 2003-084878 of March 26, 2003, which is earlier than the filing date of the Hattori reference.

A clean copy of a **certified English translation** of Japanese Patent Application No. 2003-084878 has been provided as an attachment to Amendment of January 24, 2008.

Thus, the rejection of claims under 35 U.S.C. §103 using Hattori should be withdrawn at least for these reasons.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Therefore, this response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

There is no concession as to the veracity of Official Notice, if taken in any Office Action. An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees. If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: February 25, 2008

Respectfully submitted,

By 

Brian K. Dutton

Registration No.: 47,255

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Attorney for Applicant